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9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA

11 MICHAEL DEAN ADKISSON,

12 Petitioner,

13 v.

14 D.W. NEVEN,

15 Respondents.

Case No. 2:14-cv-01934-APG-CWH

**UNOPPOSED MOTION FOR
EXTENSION OF TIME TO FILE
REPLY TO ANSWER**

(Third Request)

ORDER

17 Petitioner Michael Dean Adkisson, by and through his counsel of record, Assistant
18 Federal Public Defender Jason F. Carr, hereby moves this Court for an extension of time
19 of forty-five (45) days from July 7, 2017, to and including August 21, 2017, to file his
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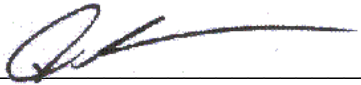
1 Reply to Respondents' Answer. This motion is based upon the attached declaration of
2 counsel and the files and records in this case.

3 DATED this 7th day of July, 2017.

4 Respectfully submitted,
5 RENE L. VALLADARES
6 Federal Public Defender

7 /s/ Megan C. Hoffman for:
8 JASON F. CARR
9 Assistant Federal Public Defender

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13 IT IS SO ORDERED:
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17 United States District Judge

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19 Dated: 7/17/2017
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DECLARATION OF MEGAN C. HOFFMAN

STATE OF NEVADA)
)
COUNTY OF CLARK) ss:

I, MEGAN C. HOFFMAN, hereby declare under penalty of perjury that the following is true and correct:

1. I am the Chief of the Non-Capital Habeas Unit. I submit this Declaration on behalf of Assistant Federal Defender Jason Carr, who is in Northern Nevada today. Mr. Carr is filing a Notice of Representation of Mr. Adkisson contemporaneously with this motion.

2. On August 25, 2015, Attorney Melanie Gavisk filed Mr. Adkisson's First Amended Petition and Supporting Exhibits in this matter. ECF Nos. 16-21.

3. On February 10, 2016, Ms. Gavisk also filed Mr. Adkisson's Second Amended Petition, Supporting Exhibits, and a Notice of Manual Filing. ECF Nos. 28-30. On May 16, 2016, Respondents filed their Motion to Dismiss and Supporting Exhibits. ECF 36-42. On August 1, 2016, Mr. Adkisson filed his Opposition to Respondents' Motion to Dismiss. ECF 45. On August 4, 2016, Respondents filed their Reply to the Opposition. ECF 46. On February 13, 2017, this Court issued an order denying Respondents' Motion to Dismiss. ECF No. 48.

4. Attorney Gavisk left her employment with the office of the Federal Public Defender (FPD) in or around August 2016.

5. On August 9, 2016, Attorney Armilla Staley-Ngomo (AFD) filed an appearance as counsel of record for Mr. Adkisson.

6. Respondents filed their Answer on March 29, 2017. ECF No. 49. Mr. Adkisson' has sought and was granted two extensions of time to file the Reply to

1 Answer. ECF Nos. 50-53. Mr. Adkisson's Reply to Respondent's Answer is currently
2 due on July 7, 2017.

3 7. Ms. Staley-Ngomo accepted employment with another out-of-state FPD
4 Office. Her last official day with the FPD Office in Las Vegas is July 7, 2017. Ms.
5 Staley-Ngomo is completing a draft of the Reply, however she and Mr. Carr require
6 additional time to finalize the Reply and to speak with Mr. Adkisson as a result of
7 the transition.

8 8. Mr. Carr counsel was out of the office July 4-7, 2017 (for the holiday
9 (July 4), with an illness (July 5), to attend a hearing in the state court of Reno, Nevada
10 (July 6, 2017), and to conduct multiple client visits in Northern Nevada (July 7, 2017).

11 9. I have been in contact with Ms. Staley-Ngomo and Mr. Carr about the
12 Reply in this matter. Ms. Staley-Ngomo is preparing a draft, which Mr. Carr will
13 review and discuss with Mr. Adkisson before filing. This is a complex case. The
14 Respondents's Answer to the Petition is 64 pages in length. Mr. Carr requires
15 additional time to review the Reply and to communicate with Mr. Adkisson. The
16 requested extension of time is therefore necessary to effectively and thoroughly
17 represent Mr. Adkisson.

18 10. For the reasons stated above, Mr. Carr asks this Court to grant hi
19 request for an extension of time of forty-five (45) days and order the Reply to
20 Respondents' Answer to be filed on or before August 21, 2017. This motion is not filed
21 for the purposes of delay but in the interests of justice, as well as in the interests of
22 Mr. Adkisson. This is counsel's third request for an extension for this pleading.

23 11. On June 29, 2017, our office was advised that counsel for Respondents,
24 Mr. Johnson, is out of the office on extended leave. I contacted a legal secretary,
25 Laurie Sparman, and the habeas supervisor, Heidi Stern, at the Office of the Attorney
26 General by email on July 7, 2017 to inquire about representing Mr. Johnson's position

1 with respect to this motion. Ms. Sparman responded that Mr. Johnson is not opposed
2 to this request. His non-opposition does not signify an implied waiver of any
3 procedural defenses.

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5 I declare under the penalty of perjury that the foregoing is true and correct.

6 Dated this 7th day of July, 2017.

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8 Respectfully submitted,
9 RENE L. VALLADARES
Federal Public Defender

10 /s/ Megan C. Hoffman
11 Assistant Federal Public Defender
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